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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Joint written statement* submitted by the International Organization for the Elimination of All Forms of Racial Discrimination, the International-Lawyers.Org and the United Towns Agency for North-South Cooperation, non-governmental organizations in special consultative status, the International Educational Development, Inc. and the World Peace Council, non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* Issued as received, in the language(s) of submission only.

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A Look into Modern Day Slavery••

Introduction

Throughout the years and with the development of International Law, slavery has been recognized by the international community as an international crime under the state responsibility and represents a serious breach of Peremptory Norms (*Jus Cogens*) along with genocide, apartheid and other internationally recognized crimes.

Countries have implemented numerous laws to prohibit any forms of slavery practices, however, new forms of contemporary slavery have appeared and countries have failed to prevent them. Besides traditional slavery, the mandate of the Special Rapporteur on contemporary forms of slavery, including its causes and consequences includes "forced labour, debt bondage, serfdom, children working in slavery or slavery-like conditions, domestic servitude, sexual slavery, and servile forms of marriage". The sale of children, child prostitution, pornography and forced child labour as well as the genital mutilation of young girls, forced marriage and labour and even some practices in colonial or apartheid regimes.

The fact that in 2018, we are still delivering statements about slavery practices in countries that have supposedly managed to suppress acts of enslavement and trafficking of enslaved persons is telling about the current situation. Indeed, the Human Rights Council has the duty to seriously address this issue as it is fundamental for the 2030 Agenda for the Sustainable Goals and more generally, it is a requirement for peace, security, and respect for human rights.

Statistics

According to the Global Slavery Index, modern slavery is still present all over the world. Modern slavery is most prevalent in Africa (7.6 victims for every 1,000 people in the region which is above the global average of 5.4 victims), Asia (6.1 victims) and Europe and Central Asia (3.9 victims).1

The High Commissioner for Human Rights (OHCHR) along with the International Labour Organization (ILO), the Walk Free Foundation, and the International Organization for Migration (IOM) have estimated in their 2017 report on Global Estimates of Modern Slavery that in 2016 more than 40.3 million people were victims of modern slavery across the world including 10 million children (1 in 4 victims of modern slavery are children). It has also been established that most victims are women and girls as young as five years old, mainly used for forced sex and forced labour. It is clear that countries will be unable to reach the Sustainable Development Goals without completely eradicating these practices especially if we consider that most victims come from low-income families.

Legal instruments and special mandate

In 1947, a Working Group on Contemporary Forms of Slavery was created to deal with the New Forms of Slavery which was replaced in 2007 by the Special Rapporteur on contemporary forms of slavery, including its causes and consequences under resolution 6/14 issued during the United Nations Human Rights Council. The mandate of the Special Rapporteur was later extended in 2010 under another Human Rights Council resolution 15/2, in 2013 under resolution 24/3 and more recently under resolution 33/1 in 2016.

Its mandate consists on reporting on all slave-related practices including those defined in the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956. Furthermore, the aim of the mandate is to develop recommendations and actions to suppress these practices considering the gender and age of the victims of contemporary forms of slavery.

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1 The top ten countries with the highest number are Democratic People's Republic of Korea (2 640 000), Eritrea (451 000), Burundi (408000), the Central African Republic (101 000), Afghanistan (749000), Mauritania (90 000), South Sudan (243 000), Pakistan (3 186 000), Cambodia (261 000) and Islamic Republic of Iran (1 289 000). Latin America and the Caribbean have also recorded numerous cases of modern slavery, "the highest number of regional victims are found in Mexico, with 376,800, followed by Colombia with 308,200. The countries with the highest percentage of the population living in slavery are Haiti and the Dominican Republic, at nearly 1 percent".

Causes behind the contemporary forms of slavery

On July 17th, 2017, the United Nations General Assembly published a report addressing the Contemporary forms of slavery, including its causes and consequences by tackling inequalities, gender differences, equal economic opportunities that would enable the world to reach the 2030 Agenda for Sustainable Development. At the same time, it has been established by the report that it is only possible to do so if all forms of slavery are eradicated. One way that is believed to reach these goals is by looking at the key socio-economic trends namely globalization effects relating to technological advancements, market, trade and investment regulations. Surely, poverty, even though reduced still plays a major role in increasing slavery practices since most slavery targets are those part of the most vulnerable groups such as child pornography or child prostitution.

The Human Rights Council Thirty-sixth session also dealt with this issue under Agenda Item 3 in July 10, 2009, during which the Special Rapporteur on contemporary forms of slavery including its causes and consequences, Gulnara Shahinian reported on this issue, especially regarding forced labour and came up with the conclusion that a strong political will and coordinated governmental actions in enforcing international law is the course of action to be taken. Furthermore, the Special Rapporteur encourages non-governmental organizations and the United Nations agencies as well as private actors to contribute to the prevention, prosecution, and protection relating to forced and bonded labour.

Cases of current modern-day slavery

Victims of modern-day slavery from all parts of the world are most often in some type of hardship or poverty and are thus vulnerable to modern day slavery in more affluent regions such as Western and Southern Europe. Trafficking for sexual exploitation and prostitution of others and forced labour or services, in part due to racism, are some of the most common contemporary forms of slavery in these regions.

It has been verified that different forms of contemporary slavery such as rape and forced labour are present in Libya and shocking videos surfaced featuring the auction of migrants of African descent raising lots of concerns. Furthermore, some of these migrants are held in detention centers with appalling conditions. Detainees are beaten every day for no particular reason by Libyan guards using hard pipes as the instrument of torture, they prohibit them to access any medical care, they also provide them with minimum food supplies.

In the United Kingdom of Great Britain and Northern Ireland (UK), tens of thousands are estimated to be in some form of modern slavery according to the British government. Vulnerable people who are usually in situations of poverty are trafficked into forced labour in industries such as agriculture, manufacturing, hospitality, construction etc. Women and girls are often trafficked into sexual exploitation and domestic slavery. Worse still, the trafficked persons often face violence or threats towards them and their family.

In Lebanon and the Gulf states, the serious issue of domestic slavery persists. Most of the victims work in private residences thus creating opportunities for unique vulnerabilities and human rights abuses including restriction of freedom of movement, beatings, and even rape. In other instances, the domestic worker may suffer additional exploitation by the recruitment agency who sometimes detains or confines the domestic worker and frequently beats them before forcing them to work for another family.

The situation of child slavery in Haiti is often overlooked. As a former slave colony that has been practicing the "restavek" (domestic slavery) families with low-incomes resort to this practice to get revenues. They "sell" their children to foreigners or rich Haitian families to be used as servants. Some are owned and treated like objects by the families as they are forced to accomplish tedious work instead of attending school and are often physically and emotionally abused. Some of the victims have reported the following: "I grew up sleeping under the kitchen table. I got up early, swept the yard, washed the car, fetched water, emptied the chamber pot. I went to the market, bathed the children, walked the children to school and I couldn't come to school…".

Today, the exact number of victims of this practice cannot be determined considering it takes place indoors, however, it is believed that there are more than 225000 victims of this practice (one in every 15 children).

Recommendations:

The international Community including NGOs and UN agencies:

- *Call* upon the civil society to develop boycotting campaigns against products made by enslaved persons and in particular those produced by children;

- *Demand* that United Nations organs, specialized agencies and all relevant bodies to intervene by closely monitoring the regions suspected of slave practices.

Human Rights Council:

- Member states, in particular, should *enhance* their collaboration with countries of origin to help create safer transit routes for migrants and develop mechanisms to ensure adequate safety;
- *Report* to the International Criminal Court to allow the investigation and indictment of the alleged perpetrators of crimes against humanity.

Call on states to:

- *Strengthen* the security with regards to human trafficking both on the borders and in detention centres as well as developing bilateral agreements with the countries of origin;
- *Adhere* to their responsibility to respect International Law and in particular International labour law, as well as International Human Rights Law with regards to domestic workers;
- *Investigate and hold* perpetrators accountable of grave human rights violations including guards of detention centres and recruitment agencies to end the impunity and give justice to the victims.
- *Impose* extensive human rights training relating to the treatment of detainees and domestic workers;
- *Implement* economic reforms relating to working conditions, prohibiting any forms of exploitation in the workplace (working hours, minimum age, matching international standards as for the safety and health in the workplace and recruitment) with the focus on child labour and slavery, ensuring transparency in the business environment (including the whole supply chains).

**Geneva International Centre for Justice (GICJ), The Arab Lawyers Association-UK, Human Rights Defenders (HRD), Association of Humanitarian Lawyers (AHL), NGOs without consultative status, also share the views expressed in this statement.